

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NATHEN W. BARTON,

Plaintiff,

v.

CASCADE PACIFIC COUNSEL,

Defendant.

No. 3:23-cv-00058-AR

OPINION AND ORDER

MOSMAN, J.,

On February 1, 2023, Magistrate Judge Jeffrey Armistead issued his Findings and Recommendation (“F&R”) [ECF 8], recommending that this action should be dismissed for lack of jurisdiction. 28 U.S.C. § 1332(a); Fed. R. Civ. P. 12(h)(3). Plaintiff filed objections [ECF 10]; Defendant did not respond.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of


the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Armistead's recommendation, and I ADOPT the F&R [ECF 8] as my own opinion. This action is DISMISSED for lack of jurisdiction, with prejudice as to Plaintiff's ability to refile this case in federal court.

IT IS SO ORDERED.

DATED this 15 day of March, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge